

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN

EL-AMIN MUHAMMAD, et al.,

Case No. 1:16-cv-276

Plaintiff-Petitioner,

HON. ROBERT HOLMES BELL

vs.

U.S. MAGISTRATE JUDGE RAY KENT

DETECTIVE K.A. NEHER, DETECTIVE  
JOHN DOE TRANSPORT OFFICERS FOR  
NORTON SHORES POLICE  
DEPARTMENT, NORTON SHORES  
POLICE DEPARTMENT, JSP OFFICER  
JOHN DOE REPORTING OFFICER,  
NORTON SHORES OFFICER  
JOHN DOE ALTERNATE TRANSPORT  
OFFICER, et al.,

Defendants.

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EL-AMIN MUHAMMAD #242898  
Plaintiff-Petitioner In Pro Per  
E.C. Brooks Correctional Facility  
2500 S. Sheridan Dr.  
Muskegon Heights, MI 49444

**CUMMINGS, McCLOREY, DAVIS &  
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[sic Hairston]

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**BRIEF IN REPLY TO PLAINTIFF'S "MOTION TO STRIKE OPPOSITION  
PLEADINGS" (ECF NO. 35) AND ASSOCIATED AFFIDAVITS (ECF NOS. 36 AND 37)**

## **INDEX OF AUTHORITIES**

### **Cases**

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| <i>Bey v. Butzbaugh</i> , No. 1:13-CV-1173, 2014 W.L. 5149931 (W.D. Mich. Oct. 14, 2014).....      | 2 |
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### **Rules**

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| Fed. R. Civ. P. 12(b)(6) and 14-1) ..... | 1, 2 |
| L.R. 7.2(c) .....                        | 1    |

**ARGUMENT IN REPLY**

On August 31, 2016, this Court received submissions by Plaintiff Muhammad now designated as ECF Nos. 34-40. The date of signature indicated by Plaintiff Muhammad on each submission is August 29, 2016.

As best as can be discerned, ECF No. 35 (*“Plaintiff’s Motion to Strike Opposition Pleadings”*), together with the Affidavits ECF Nos. 36 and 37, is an untimely response by Plaintiff Muhammad against the July 20, 2016 motion by Defendant Harrison [sic Hairston] (ECF Nos. 14 and 14-1) seeking dismissal of Plaintiff Muhammad’s claims under Fed. R. Civ. P. 12(b)(6). Under this Court’s rules, Plaintiff Muhammad had 28 days to file his response opposing Defendant Harrison’s motion - - i.e., until August 17, 2016. **L.R. 7.2(c)**. Rather than respond to the substance of Defendant Harrison’s motion in a timely fashion, Plaintiff Muhammad devoted his energy to a pair of frivolous motions to strike all pleadings filed by Defendant Harrison’s attorney. (**ECF Nos. 20, 21, 26**). In and of itself, this untimeliness provides reason for this Court to ignore Plaintiff Muhammad’s August 31, 2016 filings with regard to Defendant Harrison.

Moreover, even indulging the substance of Plaintiff Muhammad’s new submissions, their frivolous nature is obvious. These submissions make manifest that Plaintiff Muhammad has been influenced by “sovereign citizen” ideology - - e.g., his emphasis to identify himself as “*a private person, a living soul . . . upon the land of Michigan, a Republic in the County of Muskegon*” (**ECF No. 36, Pg ID 234, ECF No. 37, Pg ID 247**), and his strange amalgamation of commerce/contract law with “*admiralty*” and “*maritime*” law, particularly Rule C dealing with *in rem* actions to enforce maritime liens. (**ECF No. 35, Pg ID 238, ECF No. 36, Pg ID 243, ECF No. 37, Pg ID 247-8**). This influence is seen also in Plaintiff Muhammad’s threat that he will be “*issuing pleadings to the court*” naming the various Defendants’ attorneys as “*third-party Defendants in*

*this case*” and subjecting those attorneys to subpoena. **(ECF No. 36, Pg ID 244 and ECF No. 38, Pg ID 255-6).**

The federal judiciary is well acquainted with the “sovereign citizen” ideology asserted in various contexts (e.g., taxation and enforcement of criminal law). See *El v. Americredit Financial Services, Inc.*, 710 F.3d 748, 750-1 (7<sup>th</sup> Cir. 2013), *U.S. v. Benabe*, 654 F.3d 753, 766-7 (7<sup>th</sup> Cir. 2011), *Colar v. Heyns*, No. 1:12-CV-1269, 2013 W.L. 141138, at \*3-4 (W.D. Mich. Jan. 11, 2013). **(Ex A).** This Court in particular has rejected as nonresponsive conclusory ideological assertions that failed to address the substance of the issues actually before the Court. See *Bey v. Butzbaugh*, No. 1:13-CV-1173, 2014 W.L. 5149931, at \*4 (W.D. Mich. Oct. 14, 2014) **(Ex B)**..

Nothing in the “motion to strike” and affidavits belatedly submitted to this Court by Plaintiff Muhammad presents a genuine, substantive argument against the bases for dismissal presented by Defendant Harrison’s pending motion seeking dismissal under Fed. R. Civ. P. 12(b)(6). **(ECF Nos. 14 and 14-1).** Defendant Harrison’s motion should be granted - - and Plaintiff Muhammad’s multiple “motions to strike” should all be denied.

s/ Allan C. Vander Laan

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Dated: September 7, 2016

#### CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2016, I electronically filed the foregoing paper with the Clerk of the Court, using the ECF system which will send notification of such filing to all attorneys of record. I have mailed by United States Postal Service the paper to the following non-ECF participants: El-Amin Muhammad #242898 at E.C. Brooks Correctional Facility, 2500 S. Sheridan Dr., Muskegon Heights, MI 49444.

s/ Karla Marsman

Karla Marsman

Legal Assistant to Allan C. Vander Laan